

EXECUTIVE SUMMARY

Summary of Proposed Project

Existing law (Sections 200, 205(c), 1590, and 2860, Fish and Game Code and Section 36725(a), Public Resources Code, Appendix 1) provides the Commission with authority to establish Marine Protected Areas which regulate take for commercial and recreational purposes.

Under the authority of Sections 200, 205(c) and 1580, Fish and Game Code, the Commission has established and changed areas or territorial limits for taking and has designated named, discrete geographic areas of ocean waters with restricted fishing. These areas are defined as Marine Protected Areas in section 2852(c), Fish and Game Code.

The Department is recommending that the Commission adopt regulations that will establish a network of Marine Protected Areas (MPAs) in State waters within the boundaries of the National Oceanic and Atmospheric Administration's (NOAA) Channel Islands National Marine Sanctuary (Sanctuary). These regulations will help provide for ecosystem biodiversity and sustainable fisheries in the project area. Specifically, the Department is recommending the Commission establish new regulations (Section 632 Title 14, CCR, Appendix 2) regarding MPAs, amend existing regulations (Section 27.82(a) Title 14, CCR, Appendix 2) regarding the boundaries of the Cowcod Conservation Area, repeal existing regulations (Sections 630(b)(5), 630(b)(101), and 630(b)(102) Title 14, CCR, Appendix 2) regarding ecological reserves as modified by the Department and interested parties intended to address particular resource problems or issues.

These recommendations establish a network of MPAs within the National Oceanic and Atmospheric Administration's Channel Islands National Marine Sanctuary. The Sanctuary encompasses 1,252 square nautical miles from the mean high tide line to 6 nautical miles offshore the northern Channel Islands (Anacapa, Santa Cruz, Santa Rosa and San Miguel Islands) and Santa Barbara Island. For the purposes of comparative size analysis **in the Draft Environmental Document**, the project area was considered to be a **"planning unit"** area encompassing 1500 square miles (1133 square nautical miles) which could be easily described in a Geographic Information System database. **In order to more specifically and accurately represent reserve size, total square nautical miles is used in this Final Environmental Document. This does not change the percentage areas or comparative analyses nor does it alter the environmental impact analysis or Department's conclusions as to the potential impacts of the proposed project.** The Fish and Game Commission has authority to establish MPAs within State waters. State waters within the project area encompass ~~592~~ **683** square nautical miles

from the mean high tide line to three nautical miles offshore. The State waters phase, proposed here, consists of a network of ten State Marine Reserves and two State Marine Conservation Areas encompassing approximately ~~444~~ **132** square nautical miles, 19 percent, of State waters within the Sanctuary. A second Federal phase, which would occur after the State phase, recommends expanding the network into Federal waters. Both phases together would establish eleven State Marine Reserves, and two State Marine Conservation Areas comprising approximately ~~279~~ **322** square nautical miles, 25 percent, of the project area.

Effects on the Environment

The proposed project would have a net positive effect on the environment because it would eliminate consumptive uses of marine resources within the proposed project's boundaries. The proposed project, however, would affect recreational user groups, including sport anglers, and commercial harvesters because it would reduce the area within which they would be able to conduct their respective activities.

Alternatives

In addition to the proposed project, the Department is providing the Commission with 5 alternatives which would attain some of the basic objectives of the project, an alternative to defer decision to the Marine Life Protection Act (MLPA) process, and a no-action alternative. The alternatives are described in Chapter 3 and reviewed and evaluated in Chapter 6.

Alternative 1 establishes a smaller network of MPAs than the proposed project to limit immediate impacts to consumptive users. The State waters phase, proposed here, includes nine State Marine Reserves, encompassing approximately 12 percent of State waters within the project area. The full State and Federal waters recommendation includes nine State Marine Reserves encompassing approximately 12 percent of the Sanctuary. While this alternative would achieve some of the project objectives, the ecological gains would not be as great as the proposed project and certain critical areas are not protected. In addition, certain boundaries would be confusing and difficult to enforce, decreasing the effectiveness of this network. The Department would prefer to establish a network that has greater potential for long-term sustainability.

Alternative 2 establishes another smaller network of MPAs than the proposed project to limit immediate impacts to consumptive users. It also uses more limited take State Marine Conservation Areas to provide some protection to key species while still allowing take of others. The State waters phase, proposed here, includes eight State Marine Reserves and three State Marine Conservation Areas, encompassing approximately 12 percent of State waters within the project area. The full State and Federal waters recommendation includes eight State Marine Reserves encompassing approximately 14 percent of the Sanctuary and three State Marine Conservation Areas encompassing approximately 4

percent of the Sanctuary. While this alternative would achieve some of the project objectives, the ecological gains would not be as great as the proposed project. In addition, certain boundaries would be confusing and difficult to enforce, decreasing the effectiveness of this network. The Department would prefer to establish a network that has greater potential for long-term protection and sustainability.

Alternative 3 establishes another smaller network of MPAs than the proposed project to limit immediate impacts to consumptive users. The State waters phase, proposed here, includes eight State Marine Reserves, encompassing approximately 15 percent of State waters within the project area. The full State and Federal waters recommendation includes eight State Marine Reserves encompassing approximately 21 percent of the Sanctuary. While this alternative would achieve some of the project objectives, the ecological gains would not be as great as the proposed project and certain critical habitats and regions would not be represented. The Department would prefer to establish a network, that has greater potential for long-term protection and sustainability.

Alternative 4 establishes a larger network of MPAs than the proposed project to increase the overall protection of various habitats. The State waters phase, proposed here, includes ten State Marine Reserves, encompassing approximately 20 percent of State waters within the project area. The full State and Federal waters recommendation includes ten State Marine Reserves encompassing approximately 29 percent of the Sanctuary. While this alternative would achieve some of the project objectives, the immediate economic impacts to consumptive users would be significantly greater than the proposed project. In addition, certain boundaries would be confusing and difficult to enforce, decreasing the effectiveness of this network. The Department would prefer to establish a network that has lower economic impacts and uses other types of management measures to complete the overall regulatory framework.

Alternative 5 establishes another larger network of MPAs than the proposed project to increase the overall protection of various habitats. The State waters phase, proposed here, includes ten State Marine Reserves, encompassing approximately 23 percent of State waters within the project area. The full State and Federal waters recommendation includes eleven State Marine Reserves encompassing approximately 34 percent of the Sanctuary. While the alternative would achieve some of the project objectives, the immediate economic impacts to consumptive users would be significantly greater than the proposed project. The Department would prefer to establish a smaller network, that has lower economic impacts, and uses other types of management measures to complete the overall regulatory framework.

The alternative to defer decision would use the Marine Life Protection Act public process and master plan to evaluate and recommend MPAs at the Channel Islands. This alternative does not adequately recognize the exhaustive, intensive and comprehensive community, scientific, and economic data rich process that has already occurred in the

project area (Appendix 3). The Department feels that deferring a decision would not change the proposed project and there is a potential to underestimate local economic and environmental impacts by combining them with those of the entire State. **In an area this size, local benefits to populations within the Channel Islands would not be expected to lead to stock wide benefits across a specie's entire range. In addition, the economic impacts on an individual level are not as readily apparent when viewed in the context of the total California economy. Adjustments were made to the proposed project based on local input that could be overlooked in a Statewide forum.** It is not possible to ~~examine~~ **quantify** the potential environmental impacts of this alternative, as the decisions for the Marine Life Protection Act are still forthcoming. Rather a timely decision will provide needed insight and experience in the implementation of reserves before the MLPA suggests MPAs for the entire State. Furthermore, biological and economic monitoring will contribute more information to the biological and fishery effects of reserves thus helping to refine future MPA decisions like the MLPA.

The no-action alternative would continue existing MPAs with no modifications. This alternative does not provide additional protection and does not meet the project objectives. **In particular the Marine Reserves Working Group and MLPA goals of protecting representative habitats and ecological processes, maintaining areas for cultural and natural heritage and providing for education and research within MPAs cannot be met using existing regulations. These goals require spatially explicit areas protected from all extractive use for sustained time periods which can not be provided by existing regulations. The no-action alternative potentially allows for continued declines in populations that have occurred under existing management. This potential depends on a variety of regulatory processes that change on an ongoing basis and can not be quantified.**

An analysis of the proposed project's potential impacts is set forth in Chapter 5. The Department has determined, based on this analysis, that the proposed project will not adversely affect the marine resources of the State. Table E-1 summarizes Department findings on impacts associated with the proposed project and the project alternatives.

Table E-1. Summary of impacts expected by the proposed project and each alternative .

Alternative	Impact	Nature of Impact	Mitigation Available	Nature of Mitigation
Proposed project: 19 % State waters 25 % Sanctuary	Biological	Positive impact on habitats and populations both within and outside MPAs	N/A	N/A
<u>No Action</u>	No <u>Potential Biological</u>	None <u>Continued declines in populations</u>	N/A	N/A
<u>Alternative 1:</u> 12 % State waters 12 % Sanctuary	Biological	Positive impact on species within MPAs	N/A	N/A
<u>Alternative 2:</u> 12 % State waters 14 % Sanctuary	Biological	Positive impact on species within MPAs	N/A	N/A
<u>Alternative 3:</u> 15 % State waters 21 % Sanctuary	Biological	Positive impact on some habitats as well as species within MPAs	N/A	N/A
Alternative 4: 20 % State waters 29 % Sanctuary	Biological	Positive impact on habitats and populations both within and outside MPAs	N/A	N/A
Alternative 5: 23 % State waters 34 % Sanctuary	Biological	Positive impact on habitats and populations both within and outside MPAs	N/A	N/A
<u>Defer Decision</u>	Unknown	Unknown	N/A	N/A

N/A - Not applicable